

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
VALDOSTA DIVISION**

**DEXTER J. RAY,**

Petitioner,

v.

**ALAN CARTER, Warden,**

Respondent.

Civil Action 7:10-CV-35 (HL)

**ORDER**

This case is before the Court on Petitioner's Motion for Reconsideration (Doc. 17) of the Court's Order (Doc. 15) adopting the Magistrate Judge's recommendation and granting Respondent's Motion to Dismiss Petition as Untimely.

"Motions for reconsideration should be granted only if: (1) there has been an intervening change in controlling law; (2) new evidence has been discovered; or (3) reconsideration is needed to correct clear error or prevent manifest injustice." Ctr. for Biological Diversity v. Hamilton, 385 F.Supp.2d 1330, 1337 (N.D. Ga. 2005).

Plaintiff has presented no reason for the Court to reconsider its previous order. The Respondent's motion was granted because the habeas petition was untimely filed. In his Motion, Petitioner simply argues the merits of his habeas petition. He does not attempt to show that his habeas petition was timely filed, or that he is entitled to equitable tolling of the one-year statute of limitations period.

Petitioner's Motion for Reconsideration (Doc. 17) is denied.

**SO ORDERED**, this the 4<sup>th</sup> day of February, 2011.

*s/ Hugh Lawson*

**HUGH LAWSON, SENIOR JUDGE**

mbh